

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1, 2, 6-9, 11-14, 27 and 40-47 are now present in this application. Claims 1, 40, 42 and 47 are independent.

Amendments have been to claims 1 and 27. Claims 3-5, 10 15-26 and 28-39 have been canceled, and claims 40-47 have been added. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

The Examiner has not acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document. Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed September 2, 2008, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith. However, the Examiner has not provided Applicant with an initialed copy of the PTO-SB08 form filed with the Information Disclosure Statement filed May 3, 2006. An initialed copy thereof is respectfully requested from the Examiner in the next Office Action.

Drawings

Since no objection has been received, Applicant assumes that the drawings filed October 29, 2008 and May 3, 2006 are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Election of Species Requirement

The Examiner has made the Election of Species Requirement final, and has withdrawn claims 19-24 and 28-39 from further consideration. Applicant has canceled these non-elected claims.

Rejections Under 35 U.S.C. § 102 and § 103

Claims 1-6, 8, 9, 11-15 [sic. 8-15]and 25-27 stand rejected under 35 U.S.C. § 102(a)/103 as being anticipated by Mazzochette et al. (US Publication 2004/0022433). Claims 7, 16-18 and 25-27 stand rejected under 35 U.S.C. § 103 as being obvious over Mazzochette et al. in view of the Examiner's reasons. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a light emitting device package including a metal base, an electrical circuit layer provided at an upper side of the metal base for providing a conductive path, an insulating layer sandwiched between the metal base and the electrical circuit layer, a light emitting device mounted on the top surface of the metal base in an open space from which the insulating layer is removed, an electrode layer provided at an upper side of the electrical circuit layer, a connection portion for electrically connecting the electrode layer and the light emitting device, a silk screen layer formed on the top surface of the electrode layer, and a lens portion attached to the silk screen layer. Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by Mazzochette et al.

Applicant respectfully submits that Mazzochette et al. fails to disclose a silk screen layer to attach molded matter to become a lens portion. See Figure 4, reference number 329, and Figure 5, reference number 329a, of the present application. The molded lens can be obtained as a predetermined shape only by the silk screen layer.

Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Mazzochette et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2, 6-9, 11-14 and 27, Applicant submits that claims 2, 6-9, 11-14 and 27 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 2, 6-9, 11-14 and 27 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Request for PTO-892

Regarding the Mazzochette et al. reference, the Office Action did not include a PTO-892 including the Mazzochette et al. reference. In addition, the Office Action, page 2, provides a document number “US Pub. 2004/0022433” allegedly for Mazzochette et al., but which does not correspond to Mazzochette et al. It is difficult for Applicant to respond to the Examiner’s rejection when the Examiner does not provide Applicant with the necessary document number of the reference being used in the rejection.

Applicant respectfully requests that the Examiner supply a PTO-892 listing the Mazzochette et al. reference in the next action.

New Claims 40-47

Claims 40-47 have been added for the Examiner’s consideration. Applicant submits that claims 40-47 read on the elected species.

Independent claim 40 recites a combination of elements in a light emitting device package including a metal base, an electrical circuit layer provided at an upper side of the metal base for providing a conductive path, an insulating layer sandwiched between the metal base and the electrical circuit layer, a light emitting device mounted on the top surface of the metal base in an open space from which the insulating layer is removed, an electrode layer provided at an upper side of the electrical circuit layer, a connection portion for electrically connecting the electrode

layer and the light emitting device, and a heat sink on the bottom surface of the metal base wherein the heat sink is combined to the metal base by a screw. Applicant respectfully submits that this combination of elements as set forth in independent claim 40 is not disclosed or made obvious by Mazzochette et al.

Mazzochette et al. at least fails to disclose a combination including a heat sink combined to a metal base by a screw, as claimed. The Examiner refers to screw 95 in Fig. 9 in Mazzochette et al. However, screw 95 is used to secure a heat sink 91 to a PC board 92.

Independent claim 42 recites a combination of elements a light emitting device package including a metal base, an electrical circuit layer provided at an upper side of the metal base for providing a conductive path, an insulating layer sandwiched between the metal base and the electrical circuit layer, a light emitting device mounted on the top surface of the metal base in an open space from which the insulating layer is removed, an electrode layer provided at an upper side of the electrical circuit layer, a connection portion for electrically connecting the electrode layer and the light emitting device, and a plating layer provided on the top surface of the electrode layer. Applicant respectfully submits that this combination of elements as set forth in independent claim 42 is not disclosed or made obvious by the prior art of record.

Mazzochette et al. at least fails to disclose a combination including a plating layer to plate the electrode layer, as claimed.

Independent claim 47 recites a combination of elements in a light emitting device package including a metal base, an electrical circuit layer provided at an upper side of the metal base for providing a conductive path, an insulating layer sandwiched between the metal base and the electrical circuit layer, a light emitting device mounted on the top surface of the metal base in an open space from which the insulating layer is removed, an electrode layer provided at an upper side of the electrical circuit layer, a connection portion for electrically connecting the electrode layer and the light emitting device, wherein the light emitting device comprises one or more SiOB chips. Applicant respectfully submits that this combination of elements as set forth in independent claim 47 is not disclosed or made obvious by the prior art of record.

Mazzochette et al. discloses a chip die which means an LED chip. Therefore, the package in Mazzochette et al. can be used only for the chip die, not for the SiOB (Silicon Optical Bench) chips as claimed.

Consideration and allowance of claims 40-47 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 13, 2009

Respectfully submitted,

By James T. Eller, Jr.

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